

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (*i.e.*, Claims 13-29) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recognized that the present invention provides a mobile pallet having locking means, which may be used within freight containers, such as, for example, sea freight containers, so that the mobile pallets stored inside such freight containers are maintained in a fixed position within the freight container during transport. This is particularly important when the freight container is on a ship and is seaborne, however, the freight container need not be a sea freight container nor is the mobile pallet of the claimed invention required to be used in connection with water-based transport.

More particularly, the present invention, as now broadly claimed, provides a pallet that is intended to be engaged against container walls, or an adjacent pallet within the same freight container, from at least one end and one side, so as to immobilize the pallet from movement within the container, in perpendicular directions, in a horizontal X – Y plane. The invention thereby fully immobilizes the pallet, so that the claimed pallet effectively becomes “one” with the freight container and any other pallets that may be surrounding, or adjacent to, the initial pallet.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and efficient pallet for use with a freight container, which is engagable and lock-

able against a wall of the freight container, or an adjacent pallet within the freight container, so as to prevent movement, during transport, in a horizontal X – Y direction, either disclosed or suggested.

By the present amendments, Applicant has amended independent Claim 13, firstly, to define the chassis of the pallet as having “a leading edge, a trailing edge opposite the leading edge and a plurality of sides between the leading edge and the trailing edge.” Applicant has, secondly, amended Claim 13 to clarify the “locking means” for the pallet by reciting that “said locking means [are] engagable with a container wall, or an adjacent pallet, to one side of said plurality of sides of said pallet, and said locking means [are] further engagable with a container wall, or an adjacent pallet, to the leading edge or the trailing edge of said pallet.”

Applicant has further amended his claims to delete the term “sea” to signify that the pallet of the present invention may be utilized with a wide-range of freight containers, and not simply “sea freight containers.”

Claims 13-23 have also been amended for the purpose of providing greater definiteness to the claims, including amending Claims 15, 18 and 23 to address – and overcome – the Examiner’s 35 U.S.C. §112, second paragraph, indefiniteness rejection of the first Office Action.

Further, new Claim 24, which is directly dependent upon Claim 13, has been added to recite a particularly preferred embodiment of the present invention.

As part of the first Office Action, the Examiner has indicated that the subject matter of dependent Claims 15 and 19 was allowable over the prior art and would be allowed, if presented in independent form. Accordingly, Applicant has also added new Claims 25-29: New independent Claim 25 recites the subject matter of dependent Claim 15, prior to the amendments now being entered into independent Claim 13. Likewise, new independent Claim 28 recites the subject matter of dependent Claim 19, prior to the current amendments of Claim 13. (Claims 25-29 differ from prior Claims 15 and 19, in that Claims 25-29 are not limited to a “sea” freight container, however, the recitation of a “sea” freight container was simply an intended use and, thus, is not viewed as limiting on the original claims, nor a factor in the Examiner’s indicated allowability of such claims.)

Thus, Applicant respectfully submits that new Claims 25-29 are in condition for allowance, and should be allowed, as presented by the instant *Amendment*.

Finally, Applicant has amended his Specification at Page 6, line 4, in order to attend to the correction of a typographical error noted by the Examiner.

Turning now, in detail, to the Examiner’s prior art rejections of Applicant’s claims, in the first Office Action the Examiner initially rejected Claims 13, 14 and 18 as being anticipated, pursuant to 35 U.S.C. §102(b), by Pavlik, U.S. Patent No. 3,456,826. It is the Examiner’s contention that the applied citation of Pavlik broadly discloses a pallet having a chassis, locomotion means in the form of rollers, and locking means, thereby disclosing the structural elements of Applicant’s Claims 13, 14 and 18, as originally presented.

In reply to the Examiner's anticipation rejection applying Pavlik, the applied reference discloses a "free movable skid" that includes movable rollers (79, 81) on the sides of a pallet that lie against the side walls of a freight carrier. The rollers taught by Pavlik prevent the pallet from laterally swaying, or displacing, the carrier. The pallet disclosed by the applied art further includes interlocking means (83) and braking means (89) for locking and braking the pallet to the floor, or ground, of the carrier for restraining the pallet against undesirable lateral and vertical movement. The interlocking means (83) and the braking means (89) of Pavlik are provided on the underside of the pallet.

In a further embodiment taught by Pavlik, as illustrated in FIG. 7, there is disclosed the pallet as having "an extensible side wall arrangement," wherein an extension member (112) is cantilevered to the side of the pallet and is slidable, telescopically, into a guide tube (116) to lie against a side wall (108) of the carrier for preventing the carrier from lateral movement. The pallet has rollers on the underside of the pallet to allow it to be movable. The carrier, itself, has tracks (32) into which rollers (40) roll and which act to guide the pallet into the carrier, as well as for providing some restriction against lateral movement.

It is respectfully contended that Pavlik neither discloses nor suggests a pallet as having locking means at either the leading end or the trailing end thereof, in sharp contrast to the present invention, as now broadly recited in independent Claim 13 ("said locking means being engagable with a container wall, or an adjacent pallet, to one side of said plurality of sides of said pallet, and said locking means being further engagable with

a container wall, or an adjacent pallet, to the leading edge or the trailing edge of said pallet”), in which a pallet is claimed as having both side locking means and locking means at either the trailing end or the leading end of the pallet.

Applicant therefore respectfully submits that Pavlik neither anticipates, nor renders obvious, the present invention, as now broadly recited in independent Claim 13 and, thus, withdrawal of the Examiner’s 35 U.S.C. §102(b) anticipation rejection, which applies Pavlik, should now be withdrawn.

Separately, the Examiner has rejected the subject matter of Claims 13, 14, 18 and 21 as being anticipated, pursuant to 35 U.S.C. §102(b), by Seo, U.S. Patent No. 4,976,365, on the ground that Seo discloses (in FIG. 1) a pallet, locomotion means in the form of lower rollers, and locking means, including side rollers, as recited by Applicant prior to the presently-entered claim amendments, thereby anticipating the claims enumerated in the anticipation rejection.

In reply to the Examiner’s anticipation rejection applying Seo, an analysis of Seo finds that this reference discloses a pallet with locomotion means that enable the pallet to be rolled into, and out of, a container. The pallet taught by Seo does not include any locking means for immobilizing the pallet within the container, as the instant Applicant claims. Instead, the pallet disclosed and suggested by Seo comprises a four-sided platform with automatic connecting and retracting means (20) located on one side, and coupling means (20’) located on an opposite side of the platform, whereby the connecting and retracting means (20) of the first pallet interconnects with the coupling means (20’)

of the second pallet, so as to interconnect the first and second pallets together.

Quite significantly, the automatic connecting and retracting means and the coupling means taught by Seo are not the “locking means,” as recited in Applicant’s claims, because these components of the pallet/container-integrated-pallet arrangement of Seo do not immobilize the pallet when located within the container, but merely connect one pallet to another pallet. Further, the vertical surface engaging rollers (7) on the other opposite sides of the pallet platform are not “locking means,” because once the pallet is located within the container, rollers (7) do not immobilize the pallet within the container, but, merely engage the vertical surfaces of the container as guide means.

Finally, Seo discloses wheel receiving grooves (301A, 301B) in the floor of the container. The grooves receive pallet wheels provided on the bottom of the pallets, so that the wheels are guided within the grooves. While the combination of the grooves in the container floor and the structure of the underside of the pallet may limit movement of the pallet within the container, it is the container which is provided with restraining means – not the pallet. The pallet taught and suggested by Seo does not have locking means that are engagable to a container wall, or an adjacent pallet, from at least one end and one side of the pallet for immobilizing the pallet, as recited in independent Claim 13, as now amended.

Consequently, it is respectfully contended that Claim 13, and all claims dependent thereon, are neither anticipated by, nor obvious over, the teachings and suggestions of Seo and, thus, withdrawal of the Examiner’s 35 U.S.C. §102(b) anticipation rejection,

which applies Seo, is respectfully requested.


Concerning, finally, Zhou *et al.*, U.S. Patent No. 7,118,314, which has not been applied in any rejection of Applicant's claims, Applicant wishes to point out that Zhou *et al.* carries a filing date of August 20, 2004, which is subsequent to both Applicant's Australian priority claim of November 18, 2002, and Applicant's corresponding P.C.T. international filing date of October 14, 2003, for this §371 U.S. National Phase application. Accordingly, Zhou *et al.* is not properly citable as "prior art" against Applicant's claims and should be appropriately withdrawn as a potential reference.

In view of the foregoing, it is respectfully contended that all of the claims now pending in the above-identified patent application (*i.e.*, Claims 13-29) recite a novel and efficient pallet for use with a freight container, which is engagable and lockable against a wall of the freight container, or an adjacent pallet within the freight container, so as to prevent movement, during transport, in a horizontal X – Y direction, which includes locking means in which the pallet has both a side locking mechanism and a locking mechanism at either the trailing end or the leading end of the pallet, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the rejection and the allow-

ance of all claims now pending in the above-identified patent application are respectfully requested and earnestly solicited.

Respectfully submitted,

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The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (*Account No. 19-0450*) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.